

United States Government

Department of Energy

# memorandum

Rocky Flats Office



DATE: OCT 21 1991  
REPLY TO:  
ATTN OF: ERD:BKT:4025 8983

SUBJECT: French Drain Construction at OU 1 and Compliance with the Endangered Species Act, Migratory Bird Treaty Act and Fish and Wildlife Coordination Act

TO: Frazer R. Lockhart, Director  
Environmental Restoration Division

This memorandum is to inform you that if construction activities for the french drain (the interim measure/interim remedial action under the IAG) at OU 1 begin on Tuesday, October 22, 1991, as has been stated by EG&G Rocky Flats, Inc., that DOE/RFO runs the risk of potential violations of the Endangered Species Act, the Migratory Bird Treaty Act and the Fish and Wildlife Coordination Act. Note that these statutes all have consultation requirements involving the U.S. Fish and Wildlife Service and that the latter statute has consultation requirements with the Colorado Division of Wildlife.

I recommend that construction activities at the OU 1 french drain be delayed until consultations with the U.S. Fish and Wildlife Service and the Colorado Division of Wildlife per these statutes is completed. Note that at previous meetings with the U.S. Fish and Wildlife Service, they have indicated that projects with short time fuses will be given attention as soon as their schedule allows.

Finally, I wish to point out that I have done everything possible to avoid the compliance situation that currently exists at the OU 1 french drain.

Bruce K. Thatcher, Jr.  
Physical Scientist  
Environmental Restoration Division

cc:  
R. Schassburger, DOE/RFO

ADMIN RECORD

A-OU01-000940